

REMARKS

Claim amendments

Applicant amends selected claims to change "Interface Data Language" to "Interface Description Language." This amendment conforms the claims to the specification.

Objection to title

Applicant amends the title to "EXCHANGE OF INFORMATION AMONG APPLICATIONS." This title is consistent with the preamble of claim 1.

Section 103 rejection of claim 1

The Examiner appears to regard claim 1's limitation of

publishing the common format data object to a selected
communication channel, the channel being selected on the basis of the
data object;

to be met by *Maffeis*' disclosure that

"[W]hen the thin JMS client wishes to publish a message on a certain topic, the client sends to the proxy only the JMS message and the code information related with the topic."¹

However, this statement does not teach selecting a channel on the basis of a data object.

Presumably, the Examiner regards the JMS message as corresponding to the "data object" of claim 1. Presumably then, the "channel" of claim 1 would correspond to the link between the thin message client 2 and the message proxy 1 in FIG. 1.

But the cited language merely says that a JMS message ("data object") concerning a particular topic is sent to the proxy on the channel shown. It does not say that:

(1) *another* JMS message that concerns a *different* topic would be sent to the proxy along *different* path; and

¹ *Maffeis*, col. 3, line 66 to col. 4, line 2.

(2) that that different path was chosen *on the basis of* the topic of the JMS message.

By way of analogy, that fact that a package (JMS message-1) containing a response to an office action (topic-1) reaches the Patent Office by way of the 14th Street Bridge (channel-1) does not mean that: (1) another package (JMS message-2) with an appeal brief (topic-2) reaches the Patent Office by way of the Arlington Memorial Bridge (channel-2); and (2) that the second package went via the Arlington Memorial Bridge *because* it contained an appeal brief, and not a response.

The Examiner further draws attention to column 5, lines 36-50, which states the following:

"For the describing an example of the communication between different examples, it is assumed that the thin JMS message client 2 is subscribed to a topic T. Such a topic T can, depending on the application, denote a stream of stock quotes, of sports news, or denote a transmission channel carrying digital audio. When a state of the art JMS message oriented middleware client 4 sends a JMS message to topic T, the message is passed first to the state of the art JMS message oriented middleware 3. The message will then be received by the proxy 1 on behalf of thin client 2. Next, proxy 1 transmits the JMS message to client 2 in the form of a message token using one of its transport protocol adapters 1a, 1b, 1c, 1d, 1e, 1f or 1g. Finally, client 2 receives the JMS message on topic T as if it was accessing the state of the art JMS message oriented middleware 3 directly."

The foregoing language merely provides examples of topics. It is difficult to see why knowing, for example, that the topic could be sports or news, tells us anything about how one chooses the channel on which to send a JMS message concerning that topic. The knowledge that news and sports are example of topics does not tell anyone that the news has to use a news channel and sports has to use a sports channel. In fact, it is quite common, within the realm of everyday experience, to receive news, sports, and all manner of other topics on the same channel.

By way of analogy, the fact that a package mailed to the Patent Office could include either a response or an appeal brief does not tell us that responses *have* to go across the 14th Street Bridge and that appeal briefs *have* to go across the Arlington Memorial Bridge.

Najmi fails to remedy this deficiency in the teaching of *Maffei*s. Accordingly, the combination of *Maffei*s and *Najmi* likewise fails to teach the claimed invention.

Moreover, *Najmi* teaches a system that is intended to "convert [a] first partner message from a first partner message format to a second partner message format."² As such, it is difficult to imagine why one of ordinary skill in the art would regard *Najmi* as having anything to do with transforming a data object into a common format data object.

The Examiner has not explained why one of ordinary skill in the art who has encountered *Najmi*'s teaching of translating one partner format directly into another partner format would decide to act contrary to that teaching and interpose a common message format.

By way of analogy, if one were to discover that a French-to-English translator could be used to enable a French speaker to communicate with an English speaker, one would hardly be motivated to provide a French-to-Latin translator and a Latin-to-English translator to achieve the same result.

It appears therefore that the proposed motivation to combine the references is not based on what one of ordinary skill in the art would have done at the time the invention is made. Instead, the proposed motivation to combine the references is the result of an attempt to reconstruct the claimed invention in hindsight.

² *Najmi*, col. 2, lines 47-49; see also col. 3, lines 1-3; see also claim 1; see also col. 9, lines 54-57.

Section 103 rejection of claim 28

As best understood, the Examiner regards the three computers shown in *Najmi*'s FIG. 1 (e-business 102, e-market 110 and consumer 104) as corresponding to the "plurality of digital computers" recited in claim 28.

Claim 28 recites the limitation of

"an integration hub in data communication with each of the digital computers"

Since *Najmi* FIG. 1 shows the "plurality of digital computers," one might expect to see an integration hub in FIG. 1, particularly since it is "in data communication with each of the digital computers" (i.e. 102, 104, and 110). However, FIG. 1 shows no such structure.

The Examiner draws attention to *Najmi*'s statement that

"the inventive messenger provides for B2B integration between J2EE based businesses and its partners that may or may not be J2EE based."

However, the fact that a sentence uses the word "integration" does not amount to a disclosure of "an integration hub in data communication with each of the digital computers." One can, after all, provide "B2B integration between J2EE based businesses" without necessarily having "an integration hub in data communication with each of the digital computers." In fact, the absence of any integration hub in FIG. 1 provides an example of how this is achieved.

Moreover, *Najmi* teaches translating from one format directly into another format, bypassing the use of any common format. In particular, *Najmi* teaches a "subscription message adapter coupled to the subscription manager arranged to convert the first partner message from a first partner message format to a second partner message format."³

Maffei fails to remedy this deficiency in the teaching of *Najmi*. Accordingly, the proposed combination of *Maffei* and *Najmi* fails to teach the claimed invention.

³ *Najmi*, col. 2, lines 47-49.

Moreover, Applicant notes that the office offers no motivation to combine *Maffeis* and *Najmi* for claim 28. Applicant notes that a motivation to combine was offered in connection with claim 1, but claim 28 is a different invention.

Section 103 rejection of claims 18 and 38

The rejection of claims 18 and 38 appears to be based on a patchwork reconstruction of the claimed subject matter using isolated disclosures from *Maffeis* and *Najmi*.

The Examiner has not provided a basis for why one ordinary skill in the art would find it obvious to combine *Maffeis* and *Najmi* to yield the claimed invention. The Examiner has provided such a basis for claim 1, but claim 1 is not the same invention as claim 18. The fact that one of ordinary skill in the art may find it obvious to combine references to yield one invention does not mean that he would also find it obvious to combine the references to yield all other inventions.

Accordingly, as a threshold matter the section 103 rejection is improper because the Examiner has not provided a reason why one of ordinary skill in the art, at the time the invention was made, would have been moved to combine the references to yield the invention of claims 18 and 38.

In addition, *Najmi* has nothing to do with translating from one format into a common format followed by translating from that common format into another format. Instead, *Najmi* teaches translating objects from one format directly into another format. Thus, one of ordinary skill in the art who read *Najmi* would be motivated to translate from one format directly into another. It would never occur to one of ordinary skill in the art, after having inspected *Najmi*, to act contrary to what *Najmi* teaches and to instead use a common format.

In rejecting claim 18, the Examiner appears to regard the step of "receiving a data object from a first application" to be met when a *Maffeis* JMS message is sent to a client. The Examiner also appears to regard the step of "using a first controller to route the received message

to a first transformer” to be met when *Najmi*’s B2B messenger 602 transmits data to B2B messenger 604.

Based on the foregoing, it appears that the Examiner regards *Najmi*’s B2B messenger 602 as the “first controller” and B2B messenger 604 as the “first transformer.”

But in the next step, the Examiner regards “using the first transformer to transform the data object” as being taught by *Maffeis*, col. 3, lines 4-23.

It is unclear how *Maffeis* could possibly teach “using the first transformer” to do anything, particularly when the first transformer is disclosed by *Najmi*, and not by *Maffeis*. The Examiner appears to be suggesting that *Maffeis* teaches the use of an entity whose existence it does not even mention. While Applicant can imagine a reference that teaches the existence of an entity without teaching what to use it for, it seems logically impossible to carry out the converse.

This pattern of finding the existence of an entity in one reference and finding a way to use it in the other reference, which never even mentions its existence, continues throughout the rejection. For example, in the next step, the Examiner suggests that the existence of a “common format data object” is taught by *Najmi* at column 8, lines 35-63. But then the step of “publishing the common format object” is taught in *Maffeis*, even though *Maffeis* fails to even teach the common format data object. Again, this makes no logical sense.

The claim also recites the limitation of “using a *second* controller to route the common format object to a *second* transformer.” This is allegedly disclosed by the same B2B messengers 602, 604. However, B2B messengers 602, 604 were already used to teach the first controller and the first transformer in the second step of the claim.

The claim recites using a *first* controller to route the received data object and a separate and distinct *second* controller to route the common format data object. These two controllers carry out different functions. Accordingly, whatever teaches the first controller cannot also teach the second controller.

The claim also recites a first transformer that receives the data object from the first controller and a separate and distinct second transformer that receives the common format object from the second controller. Again, these two transformers carry out different functions. Accordingly, whatever teaches the first transformer cannot also teach the second transformer.

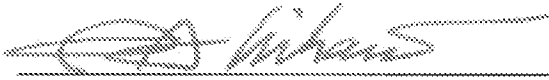
It is apparent that the section 103 rejection is improper because no motivation to combine the references has been offered, and because the mapping from claim elements to teachings in the references makes no logical sense.

Summary

Now pending in this application are claims 1-48, of which claims 1, 18, 28, and 38 are independent. No fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account referencing attorney docket "12587-008001."

Respectfully submitted,

Date: April 19, 2007


Faustino A. Lichauco
Reg. No. 41,942

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906